



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EJK:DCP
F.#2007R00985

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 4, 2013

By ECF

The Honorable Frederick Block
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Kenneth Eng
Criminal Docket No. 08-66 (FB)

Dear Judge Block:

The Government respectfully submits this letter in response to the Court's request on May 10, 2013 for submissions concerning the appropriate disposition of the charges that the defendant in the above-captioned case violated his probation. The parties have conferred and respectfully submit that the optimal approach is for the defendant to plead guilty to charge 1 and charge 3 of the Violation of Probation Report dated November 24, 2009 and the Supplemental Report dated February 25, 2011, and for the Court to impose a sentence that it believes is reasonable.

As the Court is aware, there are currently five violation of probation charges pending against the defendant. Charges 1 and 3 relate to the defendant's violation of New York State laws.¹ Charge 1 alleges that on or about October 19, 2009, the defendant violated

¹ The three remaining charges concern the defendant's failure to comply with the instructions of his probation officer (Charge 2), his failure to notify his probation officer within 72 hours of being arrested by a law enforcement officer (Charge 4) and his failure to

a state law by contacting a third party to threaten the defendant's former professor at New York University. Charge 3 alleges that on July 20, 2010, the defendant violated a state law by punching another individual in a subway station in Queens.

The defendant's guilty plea to the two violations of probation outlined above is appropriate given that he has admitted his guilt, and been sentenced, for the underlying violations of New York State law that led to both charges. With respect to charge 1, on November 9, 2009, the defendant was arrested by the New York City Police Department ("NYPD") on the misdemeanor charges of Aggravated Harassment in the Second Degree and Stalking in the Second Degree. On March 8, 2010, the defendant pleaded guilty in Queens County Criminal Court to a class A misdemeanor charge of Aggravated Harassment in the Second Degree, in violation of New York Penal Law ("NYPL") § 240.30. He was sentenced on February 17, 2011 to three years of probation.

With respect to charge 3, the defendant was arrested by the NYPD on February 23, 2011 and charged with Assault in the Third Degree and Harassment in the Second Degree. On September 7, 2011, the defendant pleaded guilty in Queens County Criminal Court to a class A misdemeanor charge of Assault in the Third Degree, in violation of NYPL § 120.00. The defendant was ordered to pay restitution in the amount of \$350.00.

After the defendant's guilty plea, the government will move to dismiss the remaining charges. Finally, the defendant's term of probation is scheduled to end on July 25, 2013. The government respectfully requests that the defendant be ordered to continue psychiatric treatment with Dr. Randall Keller until the expiration of his probation.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: _____
David C. Pitluck
Assistant U.S. Attorney
(718) 254-6108

cc: John Yong, Esq. (by ECF)
Gregory Carter, Senior United States Probation Officer (by Electronic Mail)
Clerk of Court (FB) (by ECF)

submit a truthful and complete written report to his probation officer within the first five days of each month (Charge 5).